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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/925,548	08/08/2001	Shoukat Dedhar	KINE001CIP4	5127

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EXAMINER
CHEN, SHIN LIN

ART UNIT	PAPER NUMBER
1632	6

DATE MAILED: 01/29/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.	Applicant(s)
09/925,548	Dedhar et al.
Examiner	**Art Unit**
Shin-Lin Chen	1632

-- ***The MAILING DATE of this communication appears on the cover sheet with the correspondence address*** --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *1* MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☐ Responsive to communication(s) filed on _____.

2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-7* is/are pending in the application.

4a) Of the above, claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☐ Claim(s) _____ is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☒ Claims *1-7* are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) ☐ All b) ☐ Some* c) ☐ None of:

1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

a) ☐ The translation of the foreign language provisional application has been received.

15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____
4) ☐ Interview Summary (PTO-413) Paper No(s). _____
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other:

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:

I. Claims 1-4, drawn to an oligonucleotide comprising at least 18 nucleotide, wherein the sequence is complementary to an mRNA encoding human integrin-linked kinase, such as SEQ ID No. 1, and the sequence is selected from the group consisting of SEQ ID Nos. 13 to 109, classified in class 536, subclasses 24.31 and 24.33.

II. Claims 5-7, drawn to a method of inhibiting expression of integrin linked kinase by administering the oligonucleotide set forth above, classifiable in classes 514 and 536, subclasses 44 and 24.5, respectively.

2. The inventions are distinct, each from the other because of the following reasons:

Groups I-II are distinct from each other. Groups I-II are related as product and process of use. The inventions can be shown to be distinct if either or both of the following can be shown: (1) the process for using the product as claimed can be practiced with another materially different product or (2) the product as claimed can be used in a materially different process of using that product (M.E.P.. § 806.05(h)). In the instant case the oligonucleotide can be used to as probe for screening or detection of a target nucleotide sequence or can be used as a primer for PCR amplification. Such uses are different from using the oligonucleotide as an antisense sequence for inhibiting gene expression *in vitro* or *in vivo*. Thus groups I-II require separate search and are patentably distinct from each other.

Upon election of a group, further restriction is required as follows:

The instant oligonucleotide sequences (SEQ ID Nos. 13 to 109) are considered to be unrelated, since each oligonucleotide sequence claimed is structurally and functionally independent and distinct for the following reasons: each oligonucleotide sequence has a unique nucleotide sequence, each oligonucleotide sequence targets a different and specific region of a gene, and each oligonucleotide, upon binding to a gene sequence, can function as a primer or a probe for different purposes, or can functionally modulates (increases or decreases) the expression of the gene and to varying degrees. Furthermore, a search of more than one oligonucleotide sequence presents an undue burden on the Patent and Trademark Office due to the complex nature of the search and corresponding examination of more than one oligonucleotide sequences. Thus, Applicant is required to select **a single SEQ ID No** for examination by examiner.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter and as shown by their different classification, restriction for examination purposes as indicated is proper.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CAR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a petition under 37 CAR 1.48(b) and by the fee required under 37 CAR 1.17(I).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shin-Lin Chen whose telephone number is (703) 305-1678. The examiner can normally be reached on Monday to Friday from 9 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Deborah Reynolds can be reached on (703) 305-4051. The fax phone number for this group is (703) 308-4242.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist, whose telephone number is (703) 308-0196.

Shin-Lin Chen, Ph.D.

What is Claimed is:

1. An oligonucleotide comprising at least 18 nucleotides, wherein the sequence is complementary to an mRNA encoding human integrin-linked kinase.

2. The oligonucleotide according to Claim 1, wherein said sequence is complementary to SEQ ID NO:1.

3. The oligonucleotide according to Claim 2, wherein said sequence is selected from the group consisting of SEQ NO:13 to SEQ ID NO:109.

4. The oligonucleotide according to Claim 3; and a pharmaceutically acceptable carrier.

5. A method of inhibiting expression of integrin linked kinase, the method comprising:

administering an oligonucleotide composition comprising an oligonucleotide comprising at least 18 nucleotides, wherein the sequence is complementary to an mRNA encoding human integrin linked kinase; and a pharmaceutically acceptable carrier.

6. The method according to Claim 5, wherein said sequence is complementary to SEQ ID NO:1.

7. The method according to Claim 6, wherein said sequence is selected from the group consisting of SEQ NO:13 to SEQ ID NO:109.